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Attorneys for Defendant  
 CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

JOHN F. CHAMPAGNE and GARY A.  
 CHAMPAGNE,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN  
 FRANCISCO, et al.,

Defendants.

Case No. C06-05425 JSW

**ADMINISTRATIVE MOTION AND  
 STIPULATION FOR ORDER TO SET ASIDE  
 ORDER AND ABSTRACT OF JUDGMENT  
 AND ORDER THEREON**

Pursuant to Local Rule 7-11, and based on the stipulation of the parties, Defendant, the City and County of San Francisco, hereby move this court, pursuant to Rule 60(b), for an Order setting aside the Order entered in this action on October 15, 2008 awarding attorney fees to defendant City and County of San Francisco in the amount of \$153,867.50 (One Hundred Fifty Three Thousand, Eight Hundred Sixty Seven Dollars and Fifty Cents) and the accompanying abstract of judgment entered on December 26, 2008.

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Pursuant to the Federal Rules of Civil Procedure Rule 60(b), the court may relieve a party from a final judgment, order, or proceeding for any other reason, not specifically enumerated, that justifies relief. Relief should be granted from the original judgment in accordance with the United States Court of Appeals for the Ninth Circuit order entered on October 6, 2010.

DATED: September 24, 2015

DENNIS J. HERRERA  
City Attorney  
CHERYL ADAMS  
Chief Trial Deputy  
KAREN E. KIRBY  
Assistant Chief Trial Deputy

By: /s/ Karen E. Kirby  
KAREN E. KIRBY

Attorneys for Defendant  
CITY AND COUNTY OF SAN FRANCISCO

### STIPULATION OF COUNSEL

#### THE UNDERSIGNED COUNSEL HEREBY STIPULATE:

1) On October 15, 2008 the United States District Court for the Northern District of California issued an order granting Defendants' motion for attorneys' fees in the amount of \$153,867.50 (One Hundred Fifty Three Thousand, Eight Hundred Sixty Seven Dollars and Fifty Cents).

2) On December 26, 2008 the Court issued an Abstract of Judgment in the amount of \$153,867.50 (One Hundred Fifty Three Thousand, Eight Hundred Sixty Seven Dollars and Fifty Cents).

3) On October 6, 2010, the United States Court of Appeals for the Ninth Circuit reversed the Defendants' award of attorneys' fees.

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1           4)       The parties agree that the judgment for attorney's fees issued on October 15, 2008 in  
2 the amount of \$153,867.50 (One Hundred Fifty Three Thousand, Eight Hundred Sixty Seven Dollars  
3 and Fifty Cents) should be vacated.

4           **IT IS SO STIPULATED.**

5 DATED: September 24, 2015

6                               DENNIS J. HERRERA  
7                               City Attorney  
8                               CHERYL ADAMS  
9                               Chief Trial Deputy  
                              KAREN E. KIRBY  
                              Assistant Chief Trial Deputy

10                            By: /s/ Karen E. Kirby  
                              KAREN E. KIRBY

11                            Attorneys for Defendant  
12                            CITY AND COUNTY OF SAN FRANCISCO

13 DATED: September 24, 2015

14                            TAXMAN WAKEFORD

15                            By: /s/ Steven B. Taxman  
16                            STEVEN B. TAXMAN

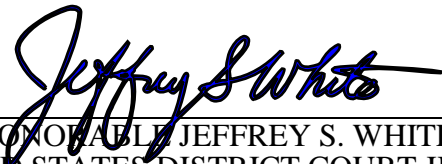
17                            Attorneys for Plaintiffs  
18                            JOHN F. CHAMPAGNE and GARY A. CHAMPAGNE  
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**PROPOSED ORDER**

The October 15, 2008 Order awarding attorney fees against plaintiffs JOHN F. CHAMPAGNE and GARY A. CHAMPAGNE in the amount of \$153,867.50 (One Hundred Fifty Three Thousand, Eight Hundred Sixty Seven Dollars and Fifty Cents) and the Abstract of Judgment dated December 26, 2008 in the amount of \$153,867.50 (One Hundred Fifty Three Thousand, Eight Hundred Sixty Seven Dollars and Fifty Cents) are hereby VACATED.

**BASED ON THE STIPULATION, AND FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.**

DATED: September 30, 2015

  
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THE HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT COURT JUDGE